

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CLIFFORD A. LOWE, et al.,)
)
Plaintiffs,)
) Civil Action No. 1:19-cv-00748-JG
v.)
) Judge James S. Gwin
SHIELDMARK, INC., et al.,)
)
Defendants.)

UNOPPOSED MOTION TO STAY PROCEEDINGS
PENDING POST GRANT REVIEW

Defendant ShieldMark, Inc. respectfully moves this Court for an Order staying this case pending the outcome of the petition for post-grant review that ShieldMark filed against the asserted patent in this case. Specifically, on August 22, 2019, ShieldMark petitioned for post grant review of U.S. Patent No. 10,214,664 (“the ‘664 Patent) that Plaintiffs have asserted against each of the Defendants in this case. As outlined more fully in ShieldMark’s supporting brief submitted herewith, a stay pending the outcome of ShieldMark’s petition is appropriate because: (1) discovery in this case is in its early stages, (2) the petition will likely resolve most, if not all, of the issues in the case, and (3) a stay will not unduly prejudice or present a clear tactical disadvantage to Plaintiffs.

ShieldMark requests that the case be stayed until at least the U.S. Patent and Trademark Office, Patent Trial and Appeal Board (“PTAB) decides whether to institute the post grant review. The PTAB is required to make such a determination within six (6) months of August 22, 2019. If instituted, ShieldMark requests that the stay be continued until the conclusion of the post grant review which the PTAB is required to complete within a year of the institution decision.

The undersigned counsel conferred with Plaintiffs' counsel, Ray Weber and Laura Gentilcore concerning this Motion and Plaintiffs' counsel will not oppose it.

Date: August 27, 2019

Respectfully submitted,

/s/ Laura L. Beoglos

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Unopposed Motion to Stay Proceedings Pending Post Grant Review was electronically filed on August 27, 2019. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system, and the filing may be accessed through that system.

/s/ Laura L. Beoglos
Laura L. Beoglos